

EXHIBIT D

PUBLIC PARTICIPATION PLAN

LEHIGH CEMENT COMPANY
Closed Cement Kiln Dust (CKD) Pile Site

PREPARED BY:

LEHIGH CEMENT COMPANY
AND
WASHINGTON STATE
DEPARTMENT OF ECOLOGY

JANUARY 2006

PUBLIC PARTICIPATION PLAN

INTRODUCTION

OVERVIEW OF PUBLIC PARTICIPATION PLAN

This Public Participation Plan (Plan) has been developed by Lehigh Cement Company (Lehigh) and the Washington Department of Ecology (Ecology) for the cleanup action to be implemented under the proposed Consent Decree for the Lehigh Cement Company Closed Cement Kiln Dust (CKD) Pile Site (Site). The Site is located near Metaline Falls at approximately milepost 14.7 along State Route 31 in Pend Oreille County, Washington (see Appendix A for Site Map). The Plan is part of a legal agreement called a Consent Decree. The Consent Decree is between Lehigh and Ecology and is filed in Superior Court. The purpose of the Consent Decree is to describe the responsibilities of all parties in implementing the cleanup action plan. The Consent Decree also assures work is conducted in a timely manner in accordance with the Model Toxics Control Act (MTCA) and all other applicable laws and regulations. The cleanup action focuses on certain metals and high pH in groundwater (see Site Background for details). The metals include arsenic, chromium, lead and manganese. Concentrations of pH, arsenic, lead, chromium, and manganese in the groundwater exceed MTCA cleanup levels.

The Hazardous Waste and Toxic Cleanup Program at Ecology originally provided oversight for the closure of the Lehigh CKD landfill. The Toxics Cleanup Program has formally provided administration and oversight since April 2002 for the investigation and evaluation of groundwater cleanup alternatives at the Site. The Plan complies with MTCA regulations (Chapter 173-340-600 WAC) and outlines public outreach efforts from 2002 until completion of the cleanup action for the Site. Ecology maintains responsibility for the public participation at the Site, and Lehigh will help coordinate and implement any future outreach. Ecology will determine final approval of the Plan as well as any amendments.

The purpose of the Plan is to help the public understand Ecology's responsibilities, planning, and cleanup activities at this Site. It also serves as a way to gather information from the public that will help Ecology and Lehigh plan for Site-related cleanup in a manner that is protective of human health and the environment. This Plan will help the communities of Metaline Falls and Metaline to be informed about the groundwater cleanup action at the Site and how interested persons may contribute to the decision-making process.

A glossary of terms used in this Plan is included as Appendix C. Documents relating to the cleanup action may be reviewed at the repositories listed on page 8 of this Plan. If individuals are interested in knowing more about the Site or have comments regarding the Plan, please contact one of the individuals listed below:

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PUBLIC PARTICIPATION AND THE MODEL TOXICS CONTROL ACT (MTCA)

MTCA is a citizens' initiative which passed in the November 1988 general election. It provides guidelines for the cleanup of contaminated sites in Washington State. This law sets strict standards to make sure the cleanup of sites is protective of human health and the environment. Ecology's Toxics Cleanup Program investigates reports of contamination that may threaten human health and/or the environment. If an investigation confirms the presence of contaminants, a site is ranked and placed on a Hazardous Sites List. Current or former owners or operators as well as any other potentially liable persons (PLPs) of a site may be held responsible for cleanup of contamination according to the standards set under MTCA. The PLPs are notified by Ecology that a site has contaminants, and the process of cleanup begins with Ecology implementing and overseeing the project. The PLP for this Site is the Lehigh Cement Company.

Public participation is an important part of the MTCA process. The public participation needs are assessed at each site according to interest expressed by the public and degree of risk posed by contaminants. Individuals who live near a site, community groups, businesses, organizations and other interested parties are provided an opportunity to become involved in commenting on the cleanup process. A Public Participation Plan includes requirements for public notice such as: identifying reports about a site and the repositories where reports may be read; providing public comment periods; and holding public meetings or hearings. Additional forms of participation may be personal interviews, involvement in citizen advisory groups, questionnaires, or workshops. Citizen groups living near contaminated sites may apply for public participation grants to receive technical assistance in understanding the cleanup process and to create additional public participation avenues.

SITE BACKGROUND

SITE DESCRIPTION AND HISTORY

Lehigh owned and operated a cement plant from 1914 until 1989. Raw materials were mined from a quarry south of the facility and brought to the processing plant. Limestone and clay materials were prepared, heated and ground to make the cement. In the heating process, cement kiln dust (CKD) was generated as a waste by-product. The CKD was disposed of in the landfill on-site.

When CKD and groundwater interact the groundwater alkalinity (pH) increases. The high pH is caused by the high amount of lime in the CKD. The pH of groundwater is determined to be acidic or alkaline based upon a range of numbers from 0 to 14. Numbers from 0-7 are acidic, a pH of 7 is neutral and from 7-14 are alkaline. Pure water is represented by the number 7. Groundwater sampled beneath and downgradient of the CKD landfill contained elevated pH levels, up to 13.9. As the alkaline groundwater passed through native geologic materials, it dissolved naturally-occurring metals. The high pH and metals in Site groundwater exceeds state groundwater cleanup standards.

The contaminated groundwater discharges along the west bank of Sullivan Creek and is seen as amber-colored water during times of low water flow. Steps have been taken since 1996 to address potential exposure pathways. The contaminated water is not currently used for domestic use (e.g., drinking water).

In 1996, Lehigh closed the CKD landfill and constructed a cover over the landfill to minimize contact with storm water. A storm water management system also was constructed to control storm water run-on and run-off. The system included catch basins, internal and external drain pipes, and a sediment basin. After the CKD landfill was closed, it was called the Lehigh Cement Kiln Dust (CKD) Pile.

Six Alternatives Evaluated to Clean Up Groundwater

Several investigations have been conducted at the Site since 1992 to determine the nature and extent of contamination. The Feasibility Study Technical Report considers the information gathered from these investigations and identifies and evaluates options for cleanup.

Six alternatives were selected for in depth evaluation. Each alternative includes constructing necessary support facilities in or around the existing building between State Route 31 and Sullivan Creek and applying institutional controls. Institutional controls include warning signs, fencing and restrictive covenants. Each alternative allows for ongoing compliance monitoring. The cleanup alternatives evaluated are as follows:

Alternative 1 - Permeable Treatment Wall. This option extends an existing subsurface pilot system treatment zone along the east side of State Route 31. CKD-affected groundwater will pass through the treatment zone before moving to Sullivan Creek. In addition to the passive treatment wall, a number of wells will be placed downgradient of the treatment zone to extract untreated groundwater that may migrate through gaps in the treatment zone. The extracted water is then routed back to the treatment zone.

Alternative 2 - Groundwater Control. This option continues operation of the existing pilot system treatment and adds extraction wells to collect CKD-affected groundwater. The groundwater is extracted and treated above ground, lowering the pH and precipitating metals. Treated groundwater is then discharged to Sullivan Creek under the requirements of a National Pollution Discharge Elimination System (NPDES) permit.

Alternative 3 - Additional Source Control. This option includes a vertical barrier upgradient of the Closed CKD Pile. The barrier directs water away from the CKD. Wells on the up gradient side of the barrier capture and re-route water around the Closed CKD Pile.

This reduces the amount of water contacting the CKD. This option also includes downgradient groundwater extraction and above ground treatment components similar to Alternative No. 2.

Alternative 4 - Partial Source Removal. This option involves removing approximately 265,500 cubic yards of CKD in order to extract the lower portions of the Closed CKD Pile that are in contact with the groundwater. This alternative also involves removing and re-installing a large part of the engineered CKD cover in order to remove the CKD. This option also includes downgradient groundwater extraction wells and above ground treatment components similar to Alternative No. 2.

Alternative 5 - Funnel and Gate Treatment. This option involves installing a system of shallow underground vertical barrier walls and gravel drainage layers between State Route 31 and Sullivan Creek to intercept groundwater and route it to a subsurface treatment zone. The intercepted groundwater is treated in situ (in place) with the technology used in the pilot system in Alternative 1. Treated water then discharges to Sullivan Creek via a subsurface corridor.

Alternative 6 - Partial Additional Source Control. This option uses source control coupled with the downgradient in situ treatment as described in Alternative 5. This alternative supplements Alternative 5 with a source control gravity drain under the southern edge of the Closed CKD Pile. The drain captures and re-directs groundwater away from the Closed CKD Pile. CKD-affected groundwater is funneled to the treatment zone. Alternative 6 is the preferred alternative selected by Ecology and is similar to the alternative recommended by Lehigh.

Evaluation of each of these six alternatives takes into consideration protecting human health and the environment, complying with cleanup standards, complying with applicable state and federal laws and providing for compliance monitoring. The evaluation also includes using permanent solutions to the maximum extent practicable, providing for a reasonable restoration time frame and considering public concerns.

Draft Cleanup Action Plan (DCAP)

A DCAP is based on information obtained from the Remedial Investigation and Feasibility Study reports. The DCAP evaluates proposed cleanup options outlined in the Feasibility Study and selects proposed cleanup actions. Ecology selected Alternative 6 that was presented in the Feasibility Study. The DCAP requires the following actions to be implemented at the Site:

- Installing, operating, and maintaining an in-situ (in place) groundwater treatment system east of the Closed CKD Pile between State Route 31 and Sullivan Creek. The treatment system will consist of a subsurface hydraulic barrier that intercepts contaminated groundwater and directs it toward a treatment corridor. The purpose of the treatment corridor is to lower the pH of the groundwater before it is discharged to Sullivan Creek. The lowered pH will also result in metals being removed from the groundwater. The treated water will be discharged under a National Pollutant Discharge Elimination System (NPDES) permit.

- Installing, operating, and maintaining a gravity drain along the southern edge of the Closed CKD Pile. The drain will intercept groundwater and re-direct it away from the pile. The intercepted water will be routed to an area at the eastern side of the barrier. Water intercepted by the drain will meet cleanup levels prior to discharge.
- Monitoring to assess performance of the treatment system. Details of the monitoring program, including parameters and frequency, will be specified in the Compliance Monitoring Plan.
- Applying and maintaining institutional controls. Institutional controls are measures to limit or prohibit activities at the Site that could interfere with maintaining the cleanup once it is completed. Fences, signs, and a restrictive covenant on the property are required. A restrictive covenant limits how a property may be used (see Exhibit F of the Consent Decree).

Consent Decree

The Consent Decree is a legal agreement between Ecology and Lehigh that is filed in Superior Court and describes the responsibilities of all parties in implementing the cleanup action plan. This Plan is part of the requirements for the Consent Decree. The Consent Decree assures that work is conducted in a timely manner in accordance with the MTCA and all other applicable laws and regulations. The Consent Decree, which implements the groundwater cleanup action for the Site, does not relieve Lehigh of its ongoing responsibility to provide for operation and maintenance of the cover and stormwater system for the Closed CKD Pile (see Exhibit G of the Consent Decree).

National Pollutant Discharge Elimination System (NPDES) Permit

Discharges to Sullivan Creek that occur as part of the groundwater treatment system will meet requirements of the National Pollutant Discharge Elimination System (NPDES) permit. The NPDES permit will be available for public comment along with the Engineering Design Report during 2006.

COMMUNITY BACKGROUND

COMMUNITY PROFILE

The property where the cleanup action will be implemented is owned by Lehigh and is near the town of Metaline Falls. Southwest of Metaline Falls on the west side of the river is another town called Metaline. The population of Metaline Falls and Metaline combined is approximately 400. Art and culture is particularly important to Metaline Falls which was voted one of the “100 Best Small Art Towns in America” in 1996. Metaline Falls includes a number of historical buildings including the Cutter Theatre which features live performances, an art gallery, the Historic Schools Display and houses the Metaline Falls Library.

Local industries include mining, timber, agriculture and recreation. Mining has taken place in the area since the late 1800s. Timber has been harvested for many years in the area on both private and public lands for lumber and other forest products. However, this industry has declined within the past few years.

The community is surrounded by popular recreation spots. Attractions include Sullivan Lake, Gardner Caves, Boundary and Box Canyon Dams, the Pend Oreille River, the North Pend Oreille Scenic

Byway and International Selkirk Loop. Activities include hiking, cross-county skiing, camping, rock climbing, boating, hunting, fishing, wildlife and scenery viewing. Metaline Falls is home to a nine-hole golf course and a Gun Club which includes skeet shooting, gun sighting and target practice facilities.

COMMUNITY CONCERNS

Ecology and Lehigh have made several efforts to engage local citizens in the cleanup process. However, citizens have expressed limited interest in the cleanup process and associated comment periods. In 1995 a public hearing was held to take comments about the closure of the CKD landfill. Seventeen people attended, but no attendees gave any formal public testimony. Most of the people attending were Lehigh employees and consultants. Most of the public feedback received by Ecology during this time period focused on the Pend Oreille Mine and potential job openings.

Additional public comment periods related to the Closed CKD Pile were held in November 1998, November 1999 and May 2005. In the May 2005 comment period only one comment was received from the Pend Oreille County P.U.D. The commenter wanted Ecology to be aware of a water line in the vicinity of the Site. Continued efforts will be made to inform and engage the public in the cleanup action for the Site.

SITE CLEANUP PROCESS

Agreed Order

In 1999 a legal agreement between Ecology and Lehigh was reached. The agreement called an Agreed Order required a Remedial Investigation and Feasibility Study (RI/FS) to be conducted to determine the nature and extent of groundwater contamination downgradient of the Closed CKD Pile.

Remedial Investigation/Feasibility Study (RI/FS)

The purpose of the RI/FS was to collect, develop and evaluate information regarding CKD-related contamination in groundwater downgradient of the Closed CKD Pile. The RI defines the type, extent and degree of soil, groundwater and surface water contamination and the impacts to the affected areas. The FS identifies, evaluates and proposes alternative cleanup actions.

Draft Cleanup Action Plan (DCAP)

The DCAP is based on information obtained from the RI/FS reports. The DCAP evaluates proposed cleanup options outlined in the FS and selects proposed cleanup actions.

State Environmental Policy Act (SEPA)

SEPA requires government agencies to consider the potential environmental impacts of a project before beginning actual cleanup. After review of a completed environmental checklist and other site-specific information, Ecology may determine the cleanup will not have a probable adverse impact on the environment. Additionally, if it is determined the cleanup action will benefit the environment by reducing the release of toxic chemicals from the Site, a determination of non-significance may be issued by Ecology.

Consent Decree

The Consent Decree is a legal agreement between Ecology and Lehigh that describes the responsibilities of all parties in implementing the cleanup action approved by Ecology. The Consent Decree assures that work is conducted in a timely manner in accordance with MTCA and all other applicable laws and regulations.

PUBLIC PARTICIPATION ACTIVITIES AND TIMELINE

The following are public participation efforts which will occur until the cleanup actions are completed:

- ❖ A **mailing list** has been developed for persons who reside within the potentially affected vicinity of the proposed cleanup action. It also includes businesses, organizations and individuals who have expressed interest in the cleanup process for the Site.
- ❖ Persons on the mailing list will receive copies of fact sheets developed regarding the cleanup process via first class mail. Additionally, individuals, organizations, local, state and federal governments, and any other interested parties will be added to the mailing list upon request. Other interested persons may request to be added to the mailing list by contacting Carol Bergin at the Department of Ecology (see Page 3 of this Plan for Carol Bergin's contact information).
- ❖ **Public Repositories** have been established and documents may be reviewed at the following offices:

Washington State Department of Ecology
Eastern Regional Office
4601 North Monroe
Spokane, WA 99205
Contact: Mrs. Johnnie Landis 509-329-3415
Hours: Monday – Thursday 8:00 am – 5:00 pm

Metline Falls Public Library
Cutter Theatre Building
302 Park Street
Metline Falls, WA 99153
509-446-3232
Hours: Monday 10:00 am-noon and 1:00 pm – 6:00 pm
Wednesday 1:00 pm – 6:00 pm
Friday 10:00 am-4:00 pm
2nd and 4th Saturdays every month 10:00 am – 3:00 pm

- ❖ During each stage of the cleanup process, **fact sheets** are created by Ecology, reviewed by Lehigh and distributed to individuals on the mailing list. These fact sheets explain the current status of the cleanup process, give a brief background and ask for comments from the public. A **30-day comment period** allows interested parties time to comment at specific stages during the cleanup process. The information from these fact sheets is also published in a **Site Register** which is distributed to the public. Persons interested in receiving the Site Register should contact Linda Thompson of Ecology at 360-407-6069 or e-mail ltho461@ecy.wa.gov.

- ❖ **Display ads or legal notices** are published in the Statesman Examiner, Selkirk Sun, Newport Miner and The Spokesman-Review to inform the general public. These notices correlate with the 30-day comment period and associated stage of the cleanup process. They are also used to announce public meetings, workshops or hearings.
- ❖ **Public meetings, workshops, open houses and public hearings** are held based upon the level of community interest. If ten or more persons request a public meeting or hearing based on the subject of the public notice, Ecology will hold a meeting or hearing and gather comments. It is anticipated that public meetings, open houses and/or hearings will be held at the Cutter Theatre in Metaline Falls. The date, time and locations of hearings, meetings, workshops, or open houses will be announced in fact sheets, display ads or legal notices in accordance with MTCA.
- ❖ Written comments which are received during the 30-day comment periods may be responded to in a **Responsiveness Summary**. The Responsiveness Summary may be sent to those who make the written comments and will be available for public review at the Repositories listed on page 8 of this Plan.

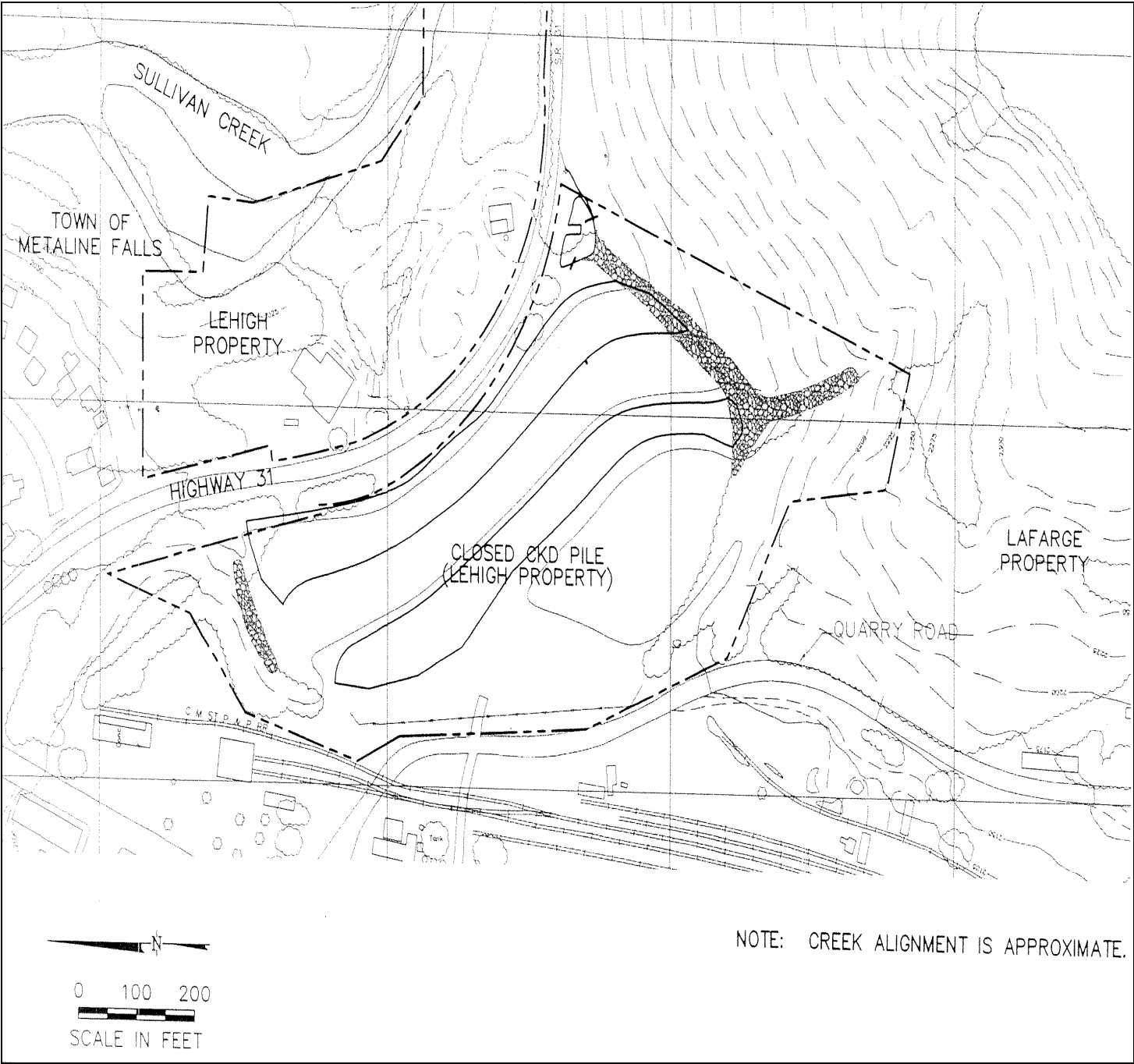
ANSWERING QUESTIONS FROM THE PUBLIC

Individuals in the community may have questions they want to ask so they may better understand the cleanup process. The list of contacts for the Site is provided on pages 2 and 3 of this Plan. Interested persons are encouraged to contact these persons by phone or e-mail to obtain information about the Site, the cleanup process and potential decisions.

Public Participation

Document or Activity	Date
Public Notice	September 1, 1995 30-day Public Notice of Ecology's intent to approve Lehigh's closure plan
Public Hearing in Metaline Falls re: intent to approve closure plan	September 20, 1995
Emergency Enforcement Order	November 1998
Fact Sheet re: Emergency Enforcement Order	30-day public comment period: November 13, 1998 through December 14, 1998
Agreed Order	October 11, 1999
Fact Sheet re: Agreed Order	30-day public comment period: November 23 through December 23, 1999
Revised Draft Feasibility Study Technical Report – Lehigh Cement Company Closed Cement Kiln Dust Pile	March 2005
Fact Sheet re: Revised Draft Feasibility Study Technical Report – Lehigh Cement Company Closed Cement Kiln Dust Pile	30-day public comment period: May 25 through June 23, 2005
Draft Cleanup Action Plan, Consent Decree and SEPA DNS	30-day public comment period: Time in 2005 To be Determined

APPENDIX A
SITE MAP



**APPENDIX B
MAILING LIST**

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APPENDIX C

GLOSSARY

Agreed Order: A legal document issued by Ecology which formalizes an agreement between the department and potentially liable persons (PLPs) for the actions needed at a site. An agreed order is subject to public comment. If an order is substantially changed, an additional comment period is provided.

Applicable State and Federal Law: All legally applicable requirements and those requirements that Ecology determines are relevant and appropriate requirements.

Area Background: The concentrations of hazardous substances that are consistently present in the environment in the vicinity of a site which are the result of human activities unrelated to releases from that site.

Carcinogen: Any substance or agent that produces or tends to produce cancer in humans.

Chronic Toxicity: The ability of a hazardous substance to cause injury or death to an organism resulting from repeated or constant exposure to the hazardous substance over an extended period of time.

Cleanup: The implementation of a cleanup action or interim action.

Cleanup Action: Any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup levels; utilizes permanent solutions to the maximum extent practicable; and includes adequate monitoring to ensure the effectiveness of the cleanup action.

Cleanup Action Plan: A document which identifies the cleanup action and specifies cleanup standards and other requirements for a particular site. After completion of a comment period on a Draft Cleanup Action Plan, Ecology will issue a final Cleanup Action Plan.

Cleanup Level: The concentration of a hazardous substance in soil, water, air or sediment that is determined to be protective of human health and the environment under specified exposure conditions.

Cleanup Process: The process for identifying, investigating, and cleaning up hazardous waste sites.

Consent Decree: A legal document, approved and issued by a court which formalizes an agreement reached between the state and potentially liable persons (PLPs) on the actions needed at a site. A decree is subject to public comment. If a decree is substantially changed, an additional comment period is provided.

Containment: A container, vessel, barrier, or structure, whether natural or constructed, which confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

Contaminant: Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

Enforcement Order: A legal document, issued by Ecology, requiring remedial action. Failure to comply with an enforcement order may result in substantial liability for costs and penalties. An enforcement order is subject to public comment. If an enforcement order is substantially changed, an additional comment period is provided.

Environment: Any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington.

Exposure: Subjection of an organism to the action, influence or effect of a hazardous substance (chemical agent) or physical agent.

Exposure Pathways: The path a hazardous substance takes or could take from a source to an exposed organism. An exposure pathway describes the mechanism by which an individual or population is exposed or has the potential to be exposed to hazardous substances at or originating from the site. Each exposure pathway includes an actual or potential source or release from a source, an exposure point, and an exposure route. If the source exposure point differs from the source of the hazardous substance, exposure pathway also includes a transport/exposure medium.

Facility: Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed or, placed, or otherwise come to be located.

Feasibility Study(FS): A study to evaluate alternative cleanup actions for a site. A comment period on the draft report is required. Ecology selects the preferred alternative after reviewing those documents.

Groundwater: Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In aquifers, groundwater occurs in sufficient quantities that it can be used for drinking water, irrigation, and other purposes.

Hazardous Sites List: A list of sites identified by Ecology that requires further remedial action. The sites are ranked from 1 to 5 to indicate their relative priority for further action.

Hazardous Substance: Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) (any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes; (a) have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or (b) are corrosive, explosive, flammable, or may

generate pressure through decomposition or other means,) and (6) (any dangerous waste which (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may affect the genetic makeup of man or wildlife; and is highly toxic to man or wildlife; (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment), or any dangerous or extremely dangerous waste as designated by rule under Chapter 70.105 RCW: any hazardous substance as defined in RCW 70.105.010 (14) (any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter,) or any hazardous substance as defined by rule under Chapter 70.105 RCW; petroleum products.

Hazardous Waste Site: Any facility where there has been a confirmation of a release or threatened release of a hazardous substance that requires remedial action.

Independent Cleanup Action: Any remedial action conducted without Ecology oversight or approval, and not under an order or decree.

Initial Investigation: An investigation to determine that a release or threatened release may have occurred that warrants further action.

Interim Action: Any remedial action that partially addresses the cleanup of a site.

Mixed Funding: Any funding, either in the form of a loan or a contribution, provided to potentially liable persons from the state toxics control account.

Model Toxics Control Act (MTCA): Washington State's law that governs the investigation, evaluation and cleanup of hazardous waste sites. Refers to RCW 70.105D. It was approved by voters at the November 1988 general election and known is as Initiative 97. The implementing regulation is WAC 173-340.

Monitoring Wells: Special wells drilled at specific locations on or off a hazardous waste site where groundwater can be sampled at selected depths and studied to determine the direction of groundwater flow and the types and amounts of contaminants present.

Natural Background: The concentration of hazardous substance consistently present in the environment which has not been influenced by localized human activities.

National Priorities List (NPL): EPA's list of hazardous waste sites identified for possible long-term remedial response with funding from the federal Superfund trust fund.

Owner or Operator: Any person with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned or operated or exercised control over the facility any time before its abandonment.

Potentially Liable Person (PLP): Any person whom Ecology finds, based on credible evidence, to be liable under authority of RCW 70.105D.040.

Public Notice: At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and opportunity for interested persons to comment.

Public Participation Plan: A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

Release: Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

Remedial Action: Any action to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance and any health assessments or health effects studies.

Remedial Investigation: A study to define the extent of problems at a site. When combined with a study to evaluate alternative cleanup actions it is referred to as a Remedial Investigation/Feasibility Study (RI/FS). In both cases, a comment period on the draft report is required.

Responsiveness Summary: A compilation of all questions and comments to a document open for public comment and their respective answers/replies by Ecology. The Responsiveness Summary is mailed, at a minimum, to those who provided comments and its availability is published in the Site Register.

Risk Assessment: The determination of the probability that a hazardous substance, when released into the environment, will cause an adverse effect in exposed humans or other living organisms.

Sensitive Environment: An area of particular environmental value, where a release could pose a greater threat than in other areas including: wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; big game winter range.

Site: See Facility.

Site Characterization Report: A written report describing the site and nature of a release from an underground storage tank, as described in WAC 173-340-450 (4) (b).

Site Hazard Assessment (SHA): An assessment to gather information about a site to confirm whether a release has occurred and to enable Ecology to evaluate the relative potential hazard posed by the release. If further action is needed, an RI/FS is undertaken.

Site Register: Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (360) 407-7200.

Surface Water: Lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the state of Washington or under the jurisdiction of the state of Washington.

TCP: Toxics Cleanup Program at Ecology

Toxicity: The degree to which a substance at a particular concentration is capable of causing harm to living organisms, including people, plants and animals.

Washington Ranking Method (WARM): Method used to rank sites placed on the hazardous sites list. A report describing this method is available from Ecology.